IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Bail Appl..No. 4044 of 2007()

CRMP.791/2007 of D.C. & SESSIONS COURT,KOZHIKODE
CR.NO.1/2007 OF EXCISE ENFORCEMENT AND ANTI NARCOTIC SPECIAL SQUAD, KASARGOD

.....

: PETITIONER/ACCUSED

M.M.PAILI, AGED ABOUT 50 YEARS,
S/O. LATE MATHAI, MADHAVA PAILI HOUSE,
CHARAKODE, KALLAR VILLAGE, OF HOSDURG TALUK,
NOW RESIDING AT PARAKKAD APPARATTASE,
NEAR IQBAL HIGH SCHOOL, AJANUR, HOSDURG TALUK.

BY ADV. SRI.MURUGAN P.V.

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, BEKAL THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4044 of 2007

Dated this the 5th day of July, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the provisions of the N.D.P.S Act. He was allegedly intercepted when he was keeping in his possession and transporting 1.6 kg. of ganja on 21.05.2007. He continues in custody from that date. The learned counsel for the petitioner prays that the petitioner may be enlarged on bail. He has no criminal antecedents, it is submitted.

2. The learned Public Prosecutor opposes the application. Though the petitioner is not arrayed as an accused in any previous crimes, it is the conclusion of the prosecution that the petitioner is responsible for distribution of ganja in the locality, submits the learned Public Prosecutor. The petitioner may not be enlarged on bail at this early stage of investigation, submits the learned Public Prosecutor.

3. I find merit in the opposition by the learned Public Prosecutor. The quantity of ganja seized is neither a commercial quantity nor small quantity. Investigation is not complete. I am, in these circumstances, satisfied that the Investigator must be given reasonable further time to complete the investigation. The petitioner cannot be granted bail at this early stage.

4. In the result, this bail application is dismissed, but I may hasten to observe that the petitioner shall be at liberty to move this Court again at a later stage of investigation, not at any rate, prior to 13.07.2007. The Investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-